

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. S. KAVIPRIYA, B.A., LLB.,
District Munsif, Tiruttani

Dated this Monday the 22nd Day of March 2021

IA.No.1 OF 2021 IN OS.No.113 OF 2012

...

K. Venkatesan

...Petitioner/Plaintiff

/Versus/

1. K. Jayapal

...Respondent/ Defendant

This petition came up before me for the final hearing on 18.03.2021 in the presence of M/s. K.V. Ravi, Counsel for petitioner and M/s. V. Kishore reddy, E. Vijayakumar and A. Akila, Counsels for Respondent, and upon hearing both sides and perusing records, having stood over for consideration till this day, this court delivered the following:-

ORDER

This petition is filed under section 151 of CPC to reopen the above case for further evidence.

Petition in brief:

2. The above case is posted to the plaintiff side evidence on 01.03.2021. The petitioner had been to Chennai for treatment to his wife in a Nursing Home and he return by 4.00 P.M. only. The petitioner came to know from his advocate that the matter is closed and posted for Dw evidence. The petitioner absence before th is court is neither wilful nor wanton but for he bonafide reason. The petitioner would be put to series loss and hardship, it the above suit is not reopened for his further chief examination. On the other hand, the respondent would not be prejudiced, if the above matter is reopened for his further chief examination.

Counter filed by the respondent averments in brief:

4. The petition is not maintainable either in law or on facts. It is pertinent to note that the above suit the petitioner has filed his proof affidavit long day back. Now after many years later the petitioner has come forward with this petition only drag on the proceedings. The petition is highly belated one and this petitioner is to be dismissed in limini. There is no bonafides and no merits in this petition.

Point:-

4. Whether the petitioners are entitled to the relief as sought for?

5. The petition filed by the petitioner to reopen the plaintiff side evidence. The suit was filed in the year of 2012 and posted for trial on 08.01.2013. After that it was ordered for trial on 04.07.2014 on the date itself proof affidavit of Pw1 filed and Ex.A1 to Ex.5 marked. Then, posted for chief continuation on 11.07.2014. From 11.07.2014 onwards it is pending for Pw1 cross continuation till 01.03.2021. Already sufficient time granted for more than 7 years. But the petitioner not ready to produce his evidence. Since, this court is the only court to exhaust all available remedies. In the interest of justice, this petition will be allowed on costs.

In the result, this petition is allowed on cost of Rs.1,000/- to respondent.

Cost to be paid on or before 01.04.2021, failing which this petition stands dismissed. Call on 01.04.2021.

Dictated to Steno – Typist, computerized by her directly, corrected and pronounced by me in open court, this the 22nd day of March 2021.

Sd/- S. Kavipriya
District Munsif,
Tiruttani.

Both sides Exhibits and witnesses: NIL

Sd/- S. Kavipriya
District Munsif,
Tiruttani.

